

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATIONAL BEEF,)	
)	
Plaintiff,)	4:06CV3119
)	
v.)	
)	
GERALD H. LINDSEY, DALE)	MEMORANDUM AND ORDER
LINDSEY, and DEBORAH)	
CATHERALL,)	
)	
Defendants.)	
)	

There are two motions for remand and a Rule 12(b)(1) motion to dismiss pending in this case. Filing 7 is the motion for remand filed by defendants Gerald H. Lindsey and Dale Lindsey; Filing 10 is the motion for remand filed by the plaintiff; and defendant Catherall, who removed this case to federal court, has raised a Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction in her answer. Filing 3, ¶ 4.

The court previously entered a briefing schedule in this case regarding the Rule 12(b)(1) jurisdictional issue raised in defendant Catherall's answer. Filing 6. In light of the additional jurisdictional challenges currently before the court on the motions for remand, that briefing schedule should be modified.

IT THEREFORE HEREBY IS ORDERED:

1. The court's order of June 6, 2006 setting forth a briefing schedule of the defendant Catherall's motion to dismiss raised by her answer, filing 6, is vacated.
2. The plaintiff, National Beef, Inc., and the defendants Gerald H. Lindsey and Dale Lindsey are hereby given until July 17, 2006 to respond to defendant Catherall's

brief, filing 9, filed in support of her motion to dismiss.

3. Defendant Catherall is given until July 17, 2006 to respond to the motions for remand filed by the plaintiff (filing 10) and defendants Gerald H. Lindsey and Dale Lindsey (filing 7).
4. Reply briefs shall not be filed absent leave of the court upon good cause shown.

DATED this 28th day of June, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge